

REMARKS

Claims 1-9 and 11 remain in the application. No claim amendments are being made in this paper. Claims 1 and 11 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claims 1, 2, 8 and 9 stand rejected under 35 U.S.C. 103(a) as unpatentable over Friedman (2002/0082991) in view of Nelson (6,032,132).

This rejection is respectfully traversed for reasons that are set forth below.

Claim 1 is directed to a “method of identifying billing discrepancies”. The method recited in claim 1 includes “receiving billing data from a billing entity”, where the “billing data includ[es] an assessed fee and call details associated with each of a plurality of calls made by a customer. The method of claim 1 further includes “identifying, based at least in part on said call details received from said billing data, rate information associated with said customer” and “generating an expected fee for each of said plurality of calls”. In addition, claim 1 recites “comparing, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies” and “generating a database of the discrepancies”. Still further, claim 1 recites “running queries against call details associated with calls having discrepancies to determine whether overall charge for the calls having discrepancies varies based on length of each of the calls having discrepancies” and “characterizing at least one of the discrepancies as resulting from misapplication of a time dependent charge if a proportion of the discrepancies does not vary with length of the calls having discrepancies”.

Applicants wish to particularly highlight that, according to claim 1, the running of queries against call details is “to determine whether overall charge for the calls having discrepancies varies based on length of each of the calls having discrepancies”. Applicants further wish to highlight that claim 1 calls for characterizing at least one discrepancy as “resulting from misapplication of a time dependent charge”. The Examiner asserts that these features of claim 1 are disclosed in the Friedman reference, but applicants do not believe that this is the case.

As to both of these highlighted features, the Examiner seeks to rely on paragraph 44 in Friedman. However, paragraph 44 will not support the load that the Examiner is placing on it.

Paragraph 44 only discloses identifying discrepancies between actual charges and what should have been charged—it does not disclose either determining that the discrepancies vary with length of call or characterizing a discrepancy as resulting from misapplication of a time dependent charge.

Applicants respectfully request that the Examiner re-read paragraph 44 of Friedman and compare it anew with the full detail now recited in claim 1. If he does so, applicants believe the Examiner will recognize that the highlighted features of claim 1 simply are not disclosed in the reference. For these reasons, it is submitted that the rejection of claim 1 should be withdrawn.

Claims 2-9 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1. In addition, applicants wish to make further observations with respect to the rejection of claim 3.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Nelson as applied to claim 2 above, and further in view of Zai (6,975,208). In the current formulation of the rejection of claim 3, the Examiner no longer mischaracterizes the Zai reference. However, the Examiner now finds it necessary to assert that “it is old and well known in the art to look at differences between expected and actual amounts to see if there was a consistent difference”. The Examiner cites no support in the prior art for this assertion. Applicants do not see how the Examiner can properly claim a practice is old and well-known without a basis in the prior art of record. Thus applicants believe that flaws remain in the rejection of claim 3.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Nelson and Reding et al. (5,822,414). This rejection also is respectfully traversed for the reasons set forth below.

Claim 11 is directed to a “method of identifying billing discrepancies”. Claim 11 recites “receiving billing data from a billing entity”, where the “billing data includ[es] an assessed fee and call details associated with each of a plurality of calls made by a customer”. The method of claim 1 further includes “identifying, based at least in part on said call details received from said billing data, rate information associated with said customer” and “generating an expected fee for each of said plurality of calls”. Still further, claim 1 recites “comparing, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies” and

“generating a database of the discrepancies”. The final limitation of claim 1 recites “running a query to identify discrepancies of substantially a fixed amount to identify calls placed from a public pay phone”.

As to claim 11, applicants wish to particularly highlight the last limitation of claim 11. With respect to this limitation, the Examiner relies on disclosure in the Reding reference. However, Reding does not provide adequate support for the Examiner’s reliance thereon.

Reding teaches a computer-based system to aid operators in avoiding billing errors for pay phone calls. While Reding teaches that pay phone calls may result in billing errors, the reference does not teach that (to consider the last limitation of claim 11 in complete detail) public pay phone calls are to be identified by identifying discrepancies of a fixed amount. Again applicants observe that Reding teaches prevention of errors in billing of pay phone calls, and is not concerned with identifying pay phone calls from a pattern of discrepancies. Applicants therefore submit that the rejection of claim 11 should be reconsidered and withdrawn.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

April 23, 2008.
Date

/Nathaniel Levin/
Nathaniel Levin
Registration No. 34,860
Buckley, Maschoff & Talwalkar LLC
50 Locust Avenue
New Canaan, CT 06840
(203) 972-3460